

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3220 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO
1 to 5 NO

ZAVERCHAND GAEKWAD LIMITED

Versus

LOHARPRASAD RAJDHARI NAI

Appearance:

1. Special Civil Application No. 3220 of 2001
MR KIRAN C RAVAL for Petitioner No. 1
MR NILESH M SHAH for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 15/04/2002

ORAL JUDGEMENT

1. RULE. The learned counsel for the respondent

waives service.

2. After the matter being argued at some length, there was a limited consensus that the order under challenge in this petition is an interim order dated 7.9.2000 in a reference pending its adjudication. For

any reason, the main reference could not be proceeded and disposed so far, but the same is required to be now disposed as expeditiously as possible and that the parties were agreeable to cooperate in its earliest possible disposal. The learned counsel for the petitioner submitted that even in absence of limited interim relief granted by the impugned order, the petitioner was not planning or willing to dispose of any properties or fixed assets. However, if such a contingency arises, the petitioner would have no objection to making of an application for permitting sale or transfer of any of its fixed assets during the pendency of the main reference case. It is understood and agreed that if and when such application has to be made by the petitioner, the same shall be disposed on merits by the Industrial Tribunal concerned without being influenced by the earlier proceedings or this order.

2. In view of the above facts, concession and submissions, the parties are directed to cooperate in the earliest possible disposal of the main reference case pending as Reference (IT) No.179 of 1995 pending before the Industrial Tribunal, Vadodara and the learned Member of the Tribunal concerned is requested to take up the matter for final disposal, as far as may be on day-to-day basis, and dispose the same preferably within a period of four months from today. With these observations and directions, the petition is disposed as having become infructuous. Rule is discharged with no order as to costs. The injunction granted in this petition stands

vacated with the clarification by consent that the interim relief granted by the impugned order shall operate latest upto 12.8.2002 and not thereafter.

Sd/-

(D.H.Waghela, J.)

15.4.2002

(KMG Thilake)